UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,937	10/06/2000	Joel E. Short	NOMI 0119 PUS	2116

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EXAMINER
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ART UNIT	PAPER NUMBER
2664	

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/684,937	SHORT ET AL.
	Examiner	Art Unit	
	Yvonne Q. Ha	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3.5</u> .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because it contains more than 150 words.

Correction is required. See MPEP § 608.01(b).

Double Patenting

2.   Claims 5, 7, 8, 9, and 10 are objected to under 37 CFR 1.75 as being a substantial

duplicate of claims 2, 4, 5, 6, and 7. When two claims in an application are duplicates or else are

so close in content that they both cover the same thing, despite a slight difference in wording, it

is proper after allowing one claim to object to the other as being a substantial duplicate of the

allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-3, 5-9, 11-17, 19, 20, are rejected under 35 U.S.C. 102(e) as being anticipated

by Wiget et al. (US Patent 6,640,251).

Referring to claims 1, 11, and 19, Wiget discloses a method for providing connectivity to a

second local area network for a user device configured for a first local area network (figure 3, ie.

Ethernet source and destination; figure 4 CPE, i.e. user device), the method comprising:

intercepting packets transmitted by the user device intended for a device on the first local area

network to automatically determine network settings of the user device (col. 5, lines 39-56; col.

7, lines 19-25-col. 8 lines 1-25); modifying incompatible packets transmitted by the user device

to make the packets compatible with the second local area network based on the network settings

of the user device and the second local area network (col. 5, lines 57-67; col. 8 lines 19-25).

Referring to claims 2 and 15, Wiget discloses all aspects of the claimed invention and further

teaches the step of intercepting packets comprises receiving and processing packets which would

otherwise be dropped by devices on the second local area network due to incompatible network

settings (col. 6, lines 17-26).

Referring to claim 3, Wiget discloses all aspects of the claimed invention and further

teaches automatically determining the network settings of the second local area network based

on packets transmitted over the second local area network (col. 4, lines 34-45).

Referring to claims 5, 17, and 20, Wiget discloses all aspects of the claimed invention

and further teaches the step of intercepting packets comprises: intercepting an Address

Resolution Protocol (ARP) message transmitted by the user device having a network address of a

device on the first local area network (col. 4, lines 17-33); and replying to the ARP message with

a Media Access Control (MAC) address of a device on the second local area network (col. 4,

lines 34-45).

Referring to claims 6 and 16, Wiget discloses all aspects of the claimed invention and

further teaches the step of intercepting packets comprises operating in a promiscuous mode to

receive and process all packets transmitted by the user device (col. 5, lines 39-55, connected to

different gateways).

Referring to claim 7, Wiget discloses all aspects of the claimed invention and further

teaches the step of modifying packets comprises replacing a source address with a router address

where the router address is automatically determined based on the network settings of the second

local area network (col. 5, lines 61-65).

Referring to claim 8, Wiget discloses all aspects of the claimed invention and further

teaches the step of modifying packets comprises replacing a source address within a packet

header (col. 5, lines 65-67).

Referring to claim 9, Wiget discloses all aspects of the claimed invention and further

teaches the step of modifying packets comprises replacing a source address within contents of

the packet (col. 5, lines 17-25).

Referring to claim 12, Wiget discloses all aspects of the claimed invention further teaches

connecting a translator to the network to perform the steps of intercepting the data transmitted by

the user device, modifying the data, and transmitting the data (col. 6, lines 17-33).

Referring to claim 13 and 14, Wiget discloses all aspects of the claimed invention and

further teaches the step of connecting comprises connecting the translator between the user

device and the network (col. 6, lines 17-26; figure 4, CPE A decapsulates the ARP reply, checks

and replaces destination).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 4, 10, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wiget et al. (US Patent 6,640,251) in view of Balabhadrapatruni et al. (USPUB 2002/0097674).

Referring to claim 4, Wiget discloses all aspects of the claimed invention but failed to

teach automatically determining the network settings of the second local area network by

transmitting a Dynamic Host Control Protocol (DHCP) packet over the second local area

network. However, Balabhadrapatruni discloses the server send DHCPOFFER that contains the

IP address and router ID for the new network element (paragraph 154; figures 3 and 21). At the

time of the invention, it would have been obvious to a person of ordinary skill in the art to

combine the teaching of Wiget multicast enabled ARP with Balabhadrapatruni connection

established by call admission control. DHCP is a network protocol that enables a DHCP server to

automatically assign an IP address to an individual computer or network device. DHCP assigns a

number dynamically from a defined range of numbers configured for a given network. DHCP

assigns an IP address when a system is started.

Referring to claims 10 and 18, Wiget discloses all aspects of the claimed invention but

failed to teach the intercepting a Dynamic Host Control Protocol (DHCP) packet transmitted by

the user device; determining whether a DHCP server is available on the second local area

network; and replying to the DHCP packet to provide configuration settings based on network

settings of the second local area network. However, Balabhadrapatruni discloses the initializing

network element by broadcasting a DHCPDISCOVER message looking for topology server

(paragraph 151-154). At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to combine the teaching of Wiget multicast enabled ARP with

Balabhadrapatruni connection established by call admission control. DHCP is a network protocol

that enables a DHCP server to automatically assign an IP address to an individual computer or

network device. DHCP assigns a number dynamically from a defined range of numbers

configured for a given network. DHCP assigns an IP address when a system is started.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- Slemmer et al. (US Patent 6,377,990) discloses system for providing IP

  access from locations different from the user's software

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yvonne Q. Ha whose telephone number is 703-305-8392. The

examiner can normally be reached on Monday-Friday 7a.m.-4p.m. Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ajit Patel can be reached on 703-308-5347. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

YQH

Ajit Patel
Primary Examiner